

PATENT
Atty. Dkt. No. ATT/2000-0518

REMARKS

In view of the above amendments and the following discussion, the Applicants submit that none of the claims now pending in the application is made obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. IN THE SPECIFICATION

The Examiner objected to Applicants' specification, page 5 for 1) for containing a disclosure of the curve fitting process that is unclear, 2) not disclosing the Heavyside function as introduced, and 3) the definition of parameters d and e are unclear. Applicants respectfully disagree.

First, the general concept of curve fitting is well known. It is not necessary to amend Applicants' specification to disclose the general concept of curve fitting.

Second, the Heavyside function is also well known. It is not necessary to amend Applicants' specification to disclose the Heavyside function which is well known. The Examiner is encouraged to confirm Applicants' assertion by entering the above two general concepts as search terms in the Internet, e.g., using the GOOGLE search engine. Numerous references can be found to support applicants' assertion.

Third, the definition of parameters d and e are "delay d" and "e is the packet loss at the decoder", respectively. Applicants submit that these definitions are clear.

It is respectfully submitted that Applicants' specification is in proper form.

II. REJECTION OF CLAIMS 1, 2 AND 7 UNDER 35 U.S.C. § 103

The Examiner has rejected claims 1, 2 and 7 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Clark (US Patent 6,741,569, issued May 25, 2004, herein referred to as "Clark") in view of Kelley et al. (US Patent 6,147,998, issued November 14, 2000, herein referred to as "Kelley").

Responsive to the Examiner, Applicants have canceled claims 1, 2, and 7 without prejudice. Thus, the present rejection is now moot. However, Applicants reserve the rights to file one or more continuation applications to continue prosecution of these canceled claims.

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III. ALLOWED CLAIMS

The Applicants thank the Examiner for his comments regarding the allowability of claims 3-6 and 8-10 if these claims are rewritten in an independent form including all of the limitation of the base claim and any intervening claims.

Responsive to the Examiner, Applicants have amended claims 3, 4, and 8 into independent claim form. Thus, Applicants submit that claims 3-6 and 8-10 are now in allowable form.

Conclusion

Thus, the Applicants submit that all of these claims now fully satisfy the requirement of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

2/3/05



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